

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MAEGAN L. BALFOUR,

Defendant.

8:21-CR-247

**ORDER ADOPTING THE MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATION**

This matter is before the Court on the magistrate judge's Findings and Recommendation recommending that the undersigned deny defendant Maegan L. Balfour's Motion for Issue Preclusion. [Filing 54](#); [Filing 40](#). Balfour has filed an objection to the Findings and Recommendation. [Filing 55](#). Having carefully reviewed the matter *de novo*, the Court agrees with the magistrate judge that Balfour's assertion of issue preclusion fails for lack of privity. *See Estrada-Rodriguez v. Lynch*, 825 F.3d 397, 402 (8th Cir. 2016) (issue preclusion requires that "the party sought to be precluded in the second suit must have been a party, or in privity with a party, to the original lawsuit"). Balfour's reliance on the Northern District of Iowa case *Webb v. City of Waterloo* is flawed. The party precluded in that case was a party to the prior litigation, unlike the situation here. *See Webb v. Waterloo*, No. 17-CV-2001-CJW-MAR, 2019 WL 6736219, at *18–19 (N.D. Iowa Dec. 11, 2019) (considering the preclusive effect of the plaintiff's prior state-court motion to suppress). Therefore, the Court overrules Balfour's objection, adopts the magistrate judge's Findings and Recommendation in its entirety, and denies Balfour's Motion. Accordingly,

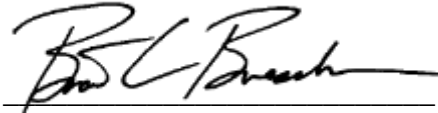
IT IS ORDERED:

1. Maegan L. Balfour's Objection to the magistrate judge's Findings and Recommendation, [Filing 55](#), is overruled;

2. The magistrate judge's Findings and Recommendation. [Filing 54](#), is adopted in its entirety;
3. Maegan L. Balfour's Motion for Issue Preclusion, [Filing 40](#), is denied; and
4. The Clerk of Court is directed to terminate the Government's response, [Filing 56](#), as a pending motion.

Dated this 23rd day of March, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge